

From: [Mannix, Marianne](#)
To: ["Tim.T@wagnerreg.com"](mailto:Tim.T@wagnerreg.com)
Cc: [Scheltema, Christina](#); [Sherman, Kelly](#); [Perry, Tracy](#)
Subject: Availability of NMFS Final Salmonid BiOp
Date: Friday, July 9, 2021 5:55:32 PM
Attachments: [NMFS BiOp label changes letter Prometryn \(003\) - signed.pdf](#)

Hi Tim,

I am writing to inform you that the Final Salmonid Biological Opinion for prometryn has been completed and is available on the NMFS website. See the attached letter for more information and necessary label changes associated with this action. This is the Agency's official transmittal of this information. Please reply indicating that you have received this message and that you are able to open the attachment/access the links. If you have any questions, please do not hesitate to reach out to me or Christina.

Have a great weekend!

Marianne

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

July 9, 2021

Subject: Label changes necessary to comply with the June 25, 2021 National Marine Fisheries Services (NMFS) Biological Opinions on the effects of the following pesticides on Pacific salmonids: s-metolachlor/metolachlor, 1,3-Dichloropropene, bromoxynil and prometryn

Dear Sir or Madam:

You are receiving this letter because your company holds registrations for s-metolachlor/metolachlor, 1,3-dichloropropene (1,3-D), bromoxynil, and/or prometryn products and those labels must be amended consistent with the NMFS Biological Opinions on the effects of these pesticides on 28 federally-listed endangered and threatened species of Pacific salmon and steelhead in Washington, Oregon and California. The Biological Opinions require reasonable and prudent measures (RPMs) to minimize the incidental take that could result from the use of these pesticides to individuals of listed species of salmon and steelhead or their critical habitats. These Opinions may be found on NMFS' website at: <https://doi.org/10.25923/8agt-1p45>.

Per NMFS Biological Opinion for bromoxynil and prometryn (see Chapter 18), the following label language must be added to the beginning of the "*Directions for Use*" section of all end-use product labels:

"Endangered Species Protection Requirements:

"It is a Federal offense to use any pesticide in a manner that results in an unauthorized "take" (e.g., kill or otherwise harm) of an endangered species and certain threatened species, under the Endangered Species Act section 9. When using this product, you must follow the measures contained in the Endangered Species Protection Bulletin for the area in which you are applying the product. You must obtain a Bulletin no earlier than six months before using this product. To obtain Bulletins, consult <http://www.epa.gov/espp/>, call 1-844-447-3813, or email ESPP@epa.gov. You must use the Bulletin valid for the month in which you will apply the product."

In addition, the following label language must be added to the "*Environmental Hazards*" section of all end-use product labels:

“Reporting Ecological Incidents:

“To report ecological incidents, including mortality, injury, or harm to plants and animals, call [registrant phone number].”

Within 60-days of the receipt of this letter, submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1):

“I certify that this amendment satisfies the requirements of the NMFS Biological Opinion for bromoxynil and prometryn, and no other changes have been made to the labeling of this product. I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this amendment is found not to satisfy the requirements of the NMFS Biological Opinion, this product may be subject to regulatory action.”

Within the required timeframe, submit the required documents to the Re-evaluation section of EPA’s Pesticide Submission Portal (PSP). The PSP can be accessed through EPA’s Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

Based on the Biological Opinion, in the absence of this revised labeling, prometryn products will not have sufficient directions for use and/or precautionary statements to adequately protect federally-listed Pacific salmonid species. Therefore, failure to submit amended labels implementing the NMFS Biological Opinion for bromoxynil and prometryn within the timeframe above may result in regulatory action.

Please contact Christina Scheltema if you have any questions about this letter or the NMFS Biological Opinion. She may be reached at 703-308-2201 or at scheltema.christina@epa.gov

Sincerely,

Kelly Sherman

Kelly Sherman, Chief
Risk Management and Implementation
Branch 3
Pesticide Re-evaluation Division

cc: Emily Schmid, PM 25 Registration Division (RD)